

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-020 Definitions. (1) "Ash" means the residue and includes any air pollution flue dusts from combustion or incineration of material including solid wastes.

Note: Please see definition for "special incinerator ash."

(2) "Biomedical waste" means solid waste of the following types:

(a) "Animal waste," which includes waste animal carcasses, body parts, and bedding of animals that were known to have been deliberately infected or inoculated with human pathogenic microorganisms during research.

(b) "Liquid human body fluids" means waste that includes waste liquid emanating or derived from humans including but not limited to human blood and blood products, serum and plasma, sputum, drainage secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid and amniotic fluid that exceeds fifty milliliters per container, storage vessel, or plastic bag and cannot be and has not been directly discarded into a sanitary sewage system.

(c) "Cultures and stocks" means waste that includes waste cultures and stocks of microbiological agents infectious to humans, human serums and discarded live and attenuated vaccines infectious to humans, human blood specimens, and laboratory wastes that are contaminated with these agents or specimens.

(d) "Biosafety level 4 disease waste," which includes wastes contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as viruses assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, 2nd Edition, 1988. These viruses include, but are not limited to, Congo-Crimean hemorrhagic fever, tick-borne encephalitis virus complex (Absettarov, Hanzalova, Hypr, Kumlinge, Kyasanur Forest disease, Omsk hemorrhagic fever, and Russian spring-summer encephalitis), Marburg, Ebola, Junin, Lassa, and Machupo.

(e) "Pathological waste," which includes waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, autopsy, and laboratory procedures. "Pathological waste" does not include teeth or formaldehyde or other preservative agents, human corpses, remains, and anatomical parts that are intended for interment or

cremation.

(f) "Sharps waste," which includes waste hypodermic needles, syringes, IV tubing with needles attached, scalpel blades, and lancets that have been used in animal or human patient care or treatment in medical research.

(3) "Biomedical waste treatment" means incineration, steam sterilization, or any method, technique, or process that changes the biological character or composition of biomedical waste to render it noninfectious. Any waste, except sharps, that has been treated is not considered to be biohazardous or biomedical.

(4) "Board" means the board of advisors for solid waste incinerator and landfill certification established by RCW 70.95D.050.

(5) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the operation and maintenance of a specific classification of solid waste incinerator or landfill facility.

(6) "Contractor" means any other state, federal or interstate agencies, municipalities, educational institutions, or other organizations or individuals with whom the department has an agreement, contract or cooperative arrangement.

(7) "Certificate holder" means the individual to whom a certificate is issued.

~~((7))~~ (8) "Commercial waste" means nonhazardous solid waste that is generated by the commercial business sector.

~~((8))~~ (9) "Department" means the Washington state department of ecology.

~~((9))~~ (10) "Director" means the director of the department of ecology or the director's designee.

~~((10))~~ (11) "Fee" means only those monies to be paid for examinations, certification, or renewal.

Note: Fees do not include the costs of training or other educational opportunities.

~~((11))~~ (12) "Hog fuel" means woodwaste that is reduced in size to facilitate burning.

~~((12))~~ (13) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

~~((13))~~ (14) "Incinerator" means an enclosed mechanical combustion device that has as its primary purpose the burning and reduction of the volume of solid waste or solid waste-derived fuel. Crematoria facilities that have combustion devices which burn human corpses, or burn animal bodies exclusively, in a manner that is not a solid waste reduction measure, or burn primarily hog fuel waste are not included in this definition. NOTE: Crematoria facilities that burn any kind of biomedical, treated or untreated medical waste, human or animal, or other solid waste, in their incinerator are subject to this rule.

~~((14))~~ (15) "Incineration facility" means any municipal or private activity that has as part of its operations a solid waste incinerator. It may also include means for storage, preparation, and conveyance of the solid waste fuel, and air pollution control equipment.

~~((15))~~ (16) "Incinerator operator in responsible charge" means an individual who is the owner or who is designated as the on-site operator in responsible charge of operation and maintenance duties at a solid waste incineration facility.

~~((16))~~ (17) "Inspector" means any person employed by any public agency that inspects the operation of solid waste incinerators, or the operation of solid waste landfills, to determine the compliance of the facility with state and local laws or rules.

~~((17))~~ (18) "Institutional waste" means nonhazardous solid waste that is generated by any commercial or noncommercial service establishment.

~~((18))~~ (19) "Landfill" means an operating disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment.

~~((19))~~ (20) "Landfill operator in responsible charge" means an individual who is the owner or who is designated as the on-site or on-call operator in responsible charge of operation and maintenance duties at a landfill facility.

~~((20))~~ (21) "Limited purpose landfill" means a landfill that receives solid waste of a limited type or types of known and consistent composition.

~~((21))~~ (22) "Monofill" means a disposal facility or part of a facility that is not a land treatment facility, at which only a single, specific substance is deposited in or on.

~~((22))~~ (23) "Municipal solid waste" means any combination of nonhazardous solid waste generated by residential sources, and any institutional waste, commercial waste, and industrial waste. NOTE: Household hazardous wastes are an excluded waste under WAC 173-303-071 and therefore may be disposed of in a municipal or incinerated landfill or incinerated. Small quantities of hazardous waste may also be landfilled if the waste complies with WAC 173-303-070 (8)(a) and (b).

~~((23))~~ (24) "Owner" means:

(a) In the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated under a lease or contract;

(b) In the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee;

(c) In the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee;

(d) In the case of a privately owned landfill or incinerator, the legal owner.

~~((+24+))~~ (25) "Reciprocity" means the automatic recognition of comparable training from another state, the federal government, a local government, or a professional association. NOTE: Correction of deficiencies such as a lack of training in Washington state solid waste law is required for certification.

~~((+25+))~~ (26) "Reserved" is a note to the regulated community that means a section that has no requirements and which is set aside for future possible rule making.

~~((+26+))~~ (27) "Solid waste" or "wastes" as defined in RCW 70.95.030 (1989 ed.) means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. NOTE: Treated biomedical waste or medical waste not defined as biomedical waste is considered to be solid waste. Woodwaste is also considered solid waste.

~~((+27+))~~ (28) "Special incinerator ash" means ash residues that results from the operation of incineration or energy recovery facilities which manage municipal solid waste from residential, commercial, and industrial establishments, if the ash residues are:

(a) Not otherwise regulated as hazardous wastes under chapter 70.105 RCW; and

(b) Are not regulated as a hazardous waste under the federal Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6901 et seq.

~~((+28+))~~ (29) "Woodwaste" means solid waste that consists of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, and the handling and storage of raw materials, trees, and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

Note: All applicable terms not defined above have the same meaning as those defined in chapter 173-304 WAC.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-030 Duties of the board of advisors. (1) ~~((As a standing subcommittee of))~~ The state's solid waste advisory committee ((created)) may establish a standing committee or act as a committee of the whole to serve as a board of advisors under RCW ((70.95D.050,)) 70.95D.051. Duties of the board of advisors ((shall report to the solid waste advisory committee four times a year or as directed in accordance with RCW 70.95D.040.

~~((2) The board shall act))~~ may include:

((a) Acting as an advisory committee to the department and ((shall assist)) assisting in the development and review of the rules adopted under this chapter.

~~((3) The board shall assist))~~ ((b) Assisting in the development and evaluation of the training and testing material required for certification.

~~((4))~~ ((c) Holding hearings and making recommendations to the director on matters of revocation of certification((, the board shall hold a hearing and make recommendations to the director)).

~~((5) The board shall encourage))~~ ((d) Encouraging operating personnel other than those who are required to be certified in chapter 70.95D RCW to become certified on a voluntary basis.

~~((6))~~ ((2) Members shall receive no compensation for their services but must be reimbursed for their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-050 Operator certification required at incineration facilities. (1) ~~((After January 1, 1992,))~~ It is unlawful to operate a solid waste incineration facility without a certified operator in responsible charge on-site during all hours of operation.

((2) All other operational employees are to be encouraged to become certified on a voluntary basis.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-060 Operator certification required at landfill facilities. (1) (~~After January 1, 1992,~~) It is unlawful to operate the following types of landfills without an on-site certified landfill operator in responsible charge during all hours of operation when accepting waste, and during the closure phase of the facility. The operator's specific role in the closure phase must be specified in the closure plan. However, the certified operator may be away from the facility on official business or personal emergencies for periods of one day or less if they are on-call and available to respond in case of an emergency at the facility.

(a) All municipal waste landfills.

(b) All problem waste landfills. NOTE: Problem waste landfills are presently reserved per WAC 173-304-463.

(c) All special incinerator ash landfills or monofills. NOTE: In a case where a monofill is a separate cell at a municipal waste landfill, the responsible operator in charge of the complete facility may assume responsibility of the operation of the monofills.

(d) All inert waste and demolition waste landfills.

(e) All limited purpose solid waste landfills.

(2) These standards do not apply to:

(a) Dangerous waste landfills;

(b) Drop box facilities;

(c) Interim solid waste handling sites;

(d) Landspreading disposal facilities;

(e) Piles;

(f) Transfer stations;

(g) Waste recycling facilities; and

(h) Composting facilities.

(3) Owners of small landfills with a total capacity at closure of two hundred thousand cubic yards of solid waste or less, may apply to the department to have their facility operated and maintained by a certified operator who is in responsible charge on an on-call basis at all times the landfill is operating: Provided, That a certified operator visit the site once each working day. The department shall consider all applications on a case-by-case basis. The department shall base its decision on the following requirements:

(a) A physical inspection of the facility by the department to determine whether the facility is being operated in a manner

that is protective of human health and the environment;

(b) That the facility has an up-to-date approved facility operating plan and is in compliance with all other sections of chapter 173-304 WAC;

(c) That the status of all facility variances, compliance schedules, and related grants are current as required; and

(d) That the facility strictly adheres to all other applicable laws and rules.

(4) All landfills that have on-call designations shall reapply for the designation every five years from the date of issuance. This designation may be revoked at any time the facility does not meet the minimum requirements.

(5) When a position required to be filled by an on-site certified landfill operator is vacated for a period of not longer than a maximum of thirty calendar days due to an emergency such as a short-term illness, the landfill owner may apply to the department for a variance that allows the facility be operated and maintained by a certified operator on an on-call basis as outlined in this section. These requirements may be waived temporarily at the director's discretion.

(6) All other operational employees are to be encouraged to become certified on a voluntary basis.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-070 Certification of inspectors. (1) Any person who is employed by a public agency to inspect the operation of a landfill or incinerator described under this chapter to determine the compliance of the facility with state or local laws or rules shall receive, in addition to the successful completion of the training and examination process as an operator under this chapter, training relevant to the inspection procedure.

(2) Inspectors are exempt from all certification fees under WAC 173-300-120.

NEW SECTION

WAC 173-300-075 Contracting for services. (1) The department may enter into agreements, contracts or cooperative agreements with contractors to administer the certification process under this chapter. Services may include, but are not limited to:

- Training;
- Certification;
- Testing;
- Recertification;
- Collection of fees to administer these services.

(2) The contractor must comply with chapter 70.95D RCW, this chapter, and other applicable state and federal laws when providing the services detailed in the contract.

(3) If the department enters into a contract as in subsection (1) of this section then WAC 173-300-120 does not apply. Fees will be set and collected under the terms of the contract.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-080 Applications and certification requirements. (1) An application for incineration, landfill operator, or inspector certification must be filed with the department(~~((. An application fee shall accompany each application))~~ or its contractor. The department or its contractor shall make application forms available upon request.

(2) Upon receipt of the completed application and (~~((application))~~ applicable fee, the department or its contractor shall determine:

(a) If the applicant has successfully completed the required training and examinations;

(b) The status of a reciprocal certification; and

(c) That the facility at which the applicant is employed is in compliance with local and state laws or rules.

(3) Upon successful determination of all requirements and the payment of the certification fees provided for in WAC 173-300-110 and 173-300-120, the appropriate operator or inspector

certificate will be issued.

(4) An owner may apply for a variance for a temporary certificate without an examination to fill a vacated position required by WAC 173-300-050 and 173-300-060 to have a certified operator, or 173-300-070, in the case of a certified inspector. A temporary certificate must be valid for a period of not more than twelve months from date of issue.

~~((5) Persons who hold a current operators certificate from any national organization, educational institution, the federal government, other states, or a province may be granted an interim certification if the applicant meets the requirements of WAC 173-300-140.~~

~~(a) No interim certification may be issued or be valid after January 1, 1992.~~

~~(b) Interim certification may not automatically qualify an operator for certification.))~~

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-090 Training and examinations. (1) The department or its contractor shall prepare or cause to be prepared educational materials and opportunities to fulfill requirements of WAC 173-300-080(2) to help develop the skills necessary to operate a solid waste incinerator or solid waste landfill according to state and federal laws.

~~(2) ((The board of advisors shall assist in the development of written examinations to be used in determining the competency of operators. Incinerator operators are also required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is responsible.~~

~~(3) Examinations must be held immediately at the end of all required operator training courses. Additional examinations must be held at places and times set by the board.~~

~~(4))~~ All examinations must be graded by the department or ~~((the department's designee))~~ its contractor and the applicant must be notified by mail of the score attained. Examinations may not be returned to the applicant.

~~((5))~~ (3) An applicant who fails to pass an examination must be reexamined at the next scheduled examination. An additional application form and examination fee is required. No individual will be allowed to retake the same examination.

~~((6))~~ (4) An applicant who fails to pass a second examination is required to repeat the certification training.

~~((7) The board shall forward the recommendations for certification of those examined to the director.))~~

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WAC 173-300-100 Certificate term. Except as provided for in WAC 173-300-080(4), the term for any certificate or renewal thereof ~~((is))~~ shall be either three years from the date of certification issuance or from the first of January of the year of issuance until the thirty-first of December three years thereafter as set by the department or its contractor.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-110 Renewal of certificate. (1) Except as provided in WAC 173-300-080(4), all certificates held by incinerator operators, landfill operators, and inspectors are renewable upon presentation of evidence that the certificate holder successfully completed a refresher course administered by the department or its contractor, and successfully attended other professional educational opportunities approved by the department.

(2) The department or its contractor shall mail renewal notices and refresher course information to all certificate holders eligible for renewal four months before the date the certificate expires.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-120 Fees. (1) A fee of \$50.00 for each examination administered by the department shall accompany the application for examination.

(2) After an applicant successfully completes ~~((the))~~ an examination administered by the department and is notified by the department of the results, the applicant shall pay a certification fee of \$200.00 to the department within thirty

days of the date of the results notification.

(3) A fee of \$50.00 is required to apply for consideration of certification through reciprocity under WAC 173-300-140. After determining that the reciprocal criteria has been met, the department will notify the applicant:

(a) That the applicant is deficient in a required area, and the process to correct the deficiency; or

(b) That the applicant has successfully completed all requirements for certification and that the applicant must pay a certification fee of \$200.00 to the department within thirty days of the date of notification.

(4) A \$200.00 renewal fee must accompany an application for certificate renewal.

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WAC 173-300-130 Revocation. (1) When a certificate is not renewed, the certificate, upon notice by the director or its contractor, must be suspended for sixty days.

(a) If renewal of the certificate is not completed during the suspension period, the director or its contractor shall mail a written notice of revocation by certified mail to the last known certificate holder's employer (~~((as last known by the department))~~) and to the last known certificate holder's (~~((at the))~~) address (~~((last known by the department))~~).

(b) If, during the revocation notice period, the certificate is not renewed, the certificate must be revoked ten days after the notice is mailed.

(2) Certificates may also be revoked (~~((when a majority of the board so recommends to the director, and the director agrees, upon finding))~~) by the director upon written findings that there was:

(a) Fraud or deceit in obtaining the certificate;

(b) Gross negligence in the operation or inspection of an incineration or landfill facility;

(c) Violation of the requirements of chapter 70.95D RCW, this chapter or of any lawful rule or order of the department; or if

(d) The facility operated by the certified employee is operated in violation of local, state, or federal environmental laws.

(3) No revocation may be made under subsection (2) of this section unless the operator has been notified that revocation is proposed, has been advised of the grounds therefore, and has

been (~~given an opportunity to appear before the board and be heard on the matter~~) provided notice of appeal rights to the pollution control hearings board.

(4) A person whose certificate is revoked under this section is (~~eligible~~) ineligible to apply for a certificate for one year from the effective date of the final order of revocation.

(5) Whenever an individual's certificate is revoked, the individual may not be certified again until:

(a) He or she has repeated all required training for certification or has completed other requirements (~~recommended by the board and~~) approved by the department or its contractor;

(b) Has applied for certification under WAC 173-300-090;

(c) Paid the application fees; and

(d) Upon notification, paid the certification fee within thirty days of notification.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-140 Reciprocity. The director may(~~, with the approval of the board of advisors,~~) waive examinations for applicants who hold valid incinerator or landfill operators certificates, or inspector certificates issued by other states, a province, the federal government, or a professional association that has comparable standards as determined by the board.

(1) Applications for reciprocity will be considered when:

(a) The training received by the applicant is comparable to training offered by the state of Washington. A detailed syllabus outlining all relevant training must be released by the appropriate training facility for review and approval by the (~~board~~) director. Those applicants with deficiencies shall resolve the deficiencies before certification is granted. Applicants must contact the department within one year of application;

(b) The department or its contractor receives written confirmation from the certifying authority of the state, province, the federal government, or professional association in which the applicant is certified, that the certificate is currently valid and was earned by passing a written examination. A copy of the exam passed by the applicant must also be released for review by the (~~board~~) director or its contractor; and

(c) The application fee is received.

(2) The (~~board~~) director or its contractor shall review

and compare out-of-state examinations with Washington's examinations to determine at which level the examination is most equivalent.

(3) Training in state of Washington solid waste law is required for certification.

(4) Incinerator operators are required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is currently responsible.

(5) Certificates must be issued to each reciprocity applicant who meets the minimum training and examination requirements set forth in WAC 173-300-080. Upon notification by the department that the applicant meets all the criteria, the certification fee is due within thirty days from the date of notification.